

City of Minot

Regular City Council Meeting
Monday, April 1, 2019 at 5:30 PM
City Council Chambers - City Hall

Any person needing special accommodation for the meeting is requested to notify the City Clerk's Office at 857-4752.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PERSONAL APPEARANCES
4. REPORTS: MAYOR
5. REPORTS: CITY MANAGER/CITY ATTORNEY

Documents:

[ATTORNEY REPORT - MARCH 19.PDF](#)

6. CONSENT ITEMS

6.1. APPROVAL OF THE MINUTES

Approval of the minutes of the March 18, 2019 regular City Council meeting.

Documents:

[190318.PDF](#)

6.2. BILLS, TRANSFERS AND PAYROLL

Approval of the bills and transfers in the amount of \$2,262,797.67 and payroll for the period of February 17, 2019 through March 16, 2019 in the amount of \$2,085,654.90.

Documents:

[BILLS MARCH 19.PDF](#)
[PAYROLL MARCH 19.PDF](#)

6.3. ADMINISTRATIVE APPROVALS

It is recommended the City Council ratify the attached administratively approved requests.

Documents:

[ADMIN APPROVALS 4-1.PDF](#)

6.4. THE FOLLOWING ORDINANCES SHOULD BE CONSIDERED ON SECOND READING

1. **Ordinance No. 5333 -Rezone Trinity 2nd Addition from R3B & R1 to RM**
2. **Ordinance No. 5354 - Change the Zone from C2 to R1 on L. Johnson**

Subdivision, Lot 1

3. **Ordinance No. 5355 - Change the Zone from R4 to R2 on Oak Park Place, 2nd Addition, Lot 1**
4. **Ordinance No. 5359 - Change the Zone from AG to P on SW1/4 & NE1/4, Section 33-155-83**
5. **Ordinance No. 5365 - Amend the 2019 Annual Budget- Enterprise Backup Appliance**
6. **Ordinance No. 5366 - Amend the 2019 Annual Budget- 911 Fee**

Documents:

[ORDINANCE NO. 5333.PDF](#)
[ORDINANCE NO. 5354.PDF](#)
[ORDINANCE NO. 5355.PDF](#)
[ORDINANCE NO. 5359.PDF](#)
[ORDINANCE NO. 5365.PDF](#)
[ORDINANCE NO. 5366.PDF](#)

6.5. REQUEST FOR BIDS HAY LAND/CROP

The hay land lease expired in October 2018. In order to continue to remain in compliance with wildlife mitigation plans, it is recommended that the acreage be contracted out for cutting and removal.

1. **Recommend City Council authorize the Airport Director to advertise and issue a Request for Bids for Hay Land/Crop; and**
2. **Authorize the Mayor to sign the contract once the highest bidder is determined.**

Documents:

[MEMO HAY RFB.PDF](#)
[MOT HAYING RFB 2019.PDF](#)

6.6. 2019 STREET IMPROVEMENT DISTRICT– AWARD OF BID (4379)

This is the annual maintenance project to repair and rehabilitate streets that are showing moderate to severe pavement distresses. This year's project includes four units of work.

On Tuesday, March 19, 2019 at 11:00 am, bids were opened for the 2019 Street Improvements project. The memo includes a bid tabulation summary that shows the bid comparisons as they relate to the engineer's estimate. The \$4 million Street Improvements Fund is split between this street improvements project and the street seal project. The combined 2019 projects are under budget.

1. **Recommend the City Council award the bid for the 2019 Street Improvement Project to the low bidder, Keller Paving and Landscaping, Inc, in the amount of \$1,987,197.25.**
2. **Authorize the Mayor to sign the Agreement.**

Documents:

[4379 - 2019 STREET IMPROVEMENT AWARD OF BID MEMO.PDF](#)
[4379 - COVER SHEET.PDF](#)

6.7. 2019 STREET PATCHING – PHASES 1 & 2 – AWARD OF BID (4380 & 4380.1)

This is the annual maintenance project to patch and repair pavement surfaces that

have failed or are showing distresses. Due to this year's increased project scope, there will be two contracts awarded for street patching (Phase 1 and Phase 2).

On Tuesday, March 19, 2019 at 11:00 am, bids were opened for the 2019 Street Patching Project – Phase 1. On Thursday, March 21, 2019 at 11:00 am, bids were opened for the 2019 Street Patching Project – Phase 2. While the the patching project bids are above their budgeted amount, overall, the combined street maintenance projects are under budget. There are funds available to cover the patching contract costs.

Recommended Actions:

- 1. Award the bid for the 2019 Street Patching Project – Phase 1 to the low bidder, Bechtold Paving, Inc, in the amount of \$311,584.35.**
- 2. Authorize the Mayor to sign the Agreement for the 2019 Street Patching – Phase 1 project.**
- 3. Award the bid for the 2019 Street Patching Project – Phase 2 to the low bidder, Bechtold Paving, Inc, in the amount of \$269,500.85.**
- 4. Authorize the Mayor to sign the Agreement for the 2019 Street Patching – Phase 2 project.**

Documents:

[4380 - 2019 STREET PATCHING AWARD OF BID MEMO.PDF](#)
[4380.0-COVER.PDF](#)
[4380.1-COVER.PDF](#)

6.8. 2019 STREET SEAL DISTRICT – AWARD OF BID (4381)

This is the annual maintenance project to fill the cracks that have developed over time and seal the pavement surface. This year's project is broken into nine units of work.

On Tuesday, March 19, 2019 at 11:00 am, bids were opened for the 2019 Street Seal District Project. The low bid was 17% below the overall Engineer's Estimate.

Recommended Actions:

- 1. Award the bid for the 2019 Street Seal District Project to the low bidder, Asphalt Surface Technologies Corp. (ASTECH), in the amount of \$1,027,602.25.**
- 2. Authorize the Mayor to sign the Agreement for the project.**

Documents:

[4381 - 2019 STREET SEAL DISTRICT AWARD OF BID MEMO.PDF](#)
[4381-COVER.PDF](#)

6.9. 2019 SIDEWALK, CURB & GUTTER REPLACEMENT – AWARD OF BID (4382)

This annual maintenance project consists of the constructing, rebuilding, or repairing of sidewalk and curb & gutter in the right of way. This year's project is broken into seven units of work.

On Tuesday, March 19, 2019 at 11:00 am, bids were opened for the 2019 Sidewalk, Curb & Gutter Replacement Project. Based on the bids, the project costs are just over the project budget. Work orders will be tracked throughout the project to ensure the project stays within budget.

- 1. Recommend the City Council award the bid for the 2019 Sidewalk, Curb & Gutter Replacement Project to the low bidder, Keller Paving & Landscaping, Inc, in the amount of \$247,946.00.**
- 2. Authorize the Mayor to sign the Agreement for the project.**

Documents:

[4382 - 2019 SIDEWALK, CURB AND GUTTER AWARD OF BID MEMO.PDF](#)
[4382_COVER.PDF](#)

- 6.10. 2019 WATERMAIN REPLACEMENT AWARD OF BID (CITY PROJECT NO. 4389)
Each year, the Water and Sewer Department budgets funds for water main replacement in areas where old water mains are in poor condition. The proposed improvements are necessary because of the high maintenance costs over the past several years with respect to the old mains and hydrants.

On Tuesday, March 19, 2019 at 11:00 a.m., bids were opened for the 2019 Watermain Replacement Project.

Recommend Council award the bid for the 2019 Watermain Replacement Project to Post Construction for the lowest bid of \$1,286,945.30.

Documents:

[4389 - 2019 WATERMAIN REPLACEMENT AWARD OF BID MEMO.PDF](#)
[4389 - 2019 WATERMAIN REPLACEMENT COVER - DIG.SIGNATURE.PDF](#)

- 6.11. 2019 SANITARY SEWER REHAB AWARD OF BID (CITY PROJECT NO. 4391)
Each year, the Water and Sewer Department budgets funds for sewer main replacement in areas where old sewer mains are in poor condition. The proposed improvements are necessary because of the high maintenance costs over the past several years.

On Tuesday, March 26, 2019 at 11:00 a.m., bids were opened for the 2019 Sanitary Sewer Rehab Project.

Recommend council to award the bid for the 2019 Sanitary Sewer Rehab Project to Visu-Sewer, Inc. for the lowest bid of \$207,675.10.

Documents:

[4391 - 2019 SANITARY SEWER REHAB AWARD OF BID MEMO.PDF](#)
[4391 - 2019 SANITARY SEWER REHABILITATION - COVER SHEET.PDF](#)

- 6.12. CITY COUNCIL APPROVE SELECTION OF ACKERMAN-ESTVOLD FOR WAYFINDING SIGN LOCATION STUDY

Two responses were received to the Wayfinding Sign Location Study RFP from Ackerman Estvold and SRF Consulting Group. Both RFP's were responsive to all requirements of the RFP and provided sufficient cost information to determine both proposal costs meet necessary and reasonable standards for this type of small procurement of professional services. The detail and information offered by Ackerman-Estvold made a case for a more efficient timeline in which to complete the work and a clearer plan for connecting with all necessary stakeholders such as the Park District.

It is recommended the City Council approve selection of Ackerman-Estvold for the Wayfinding Sign Study and authorize the contract to carry out Wayfinding Sign Location Study per RFP.

Documents:

[WAYFINDING SIGN CONTRACT SELECTION MEMO 3-21-19.PDF](#)
[ACKERMAN-ESTVOLD PROPOSAL.PDF](#)
[SRF CONSULTING PROPOSAL.PDF](#)

6.13. ACCEPTANCE OF BID AND PURCHASE OF POLICE PATROL VEHICLES

The police department budgeted for five (5) all-wheel drive vehicles to be purchased in 2019. This proposal is to accept the low bid and allow for a budget amendment to use insurance payouts to make up the difference in budget shortfall.

1. **Recommend the acceptance of bid by Nelson Auto Center, Fergus Falls, MN for the purchase of five (5) 2020 Ford Interceptor Utility Vehicles.**
2. **Recommend the approval of a budget adjustment to use the Insurance Payout for two (2) patrol cars that were totaled in crashes in 2019. (Total = \$19,950.00).**

Documents:

[19. 2019 MEMO - \(5\) PD PATROL VEHICLES.PDF](#)
[BID - NELSON AUTO CENTER.PDF](#)
[BID - WESTLIE MOTOR COMPANY.PDF](#)
[19. 2019 BA - \(5\) PD PATROL VEHICLES.PDF](#)

6.14. TFC018 AUTOSCOPE VIDEO CAMERA X2

A budget encumbrance was submitted in early January 2019 for a quote from Traffic Control Corporation for spare traffic signal equipment. While attempting to process the invoice, the Finance Department pointed out that a few of the items of the invoice, such as the two spare Autoscope Video Cameras cannot be paid for by the Traffic Departments Sign, Signal, Marker Maintenance Fund but rather will need to be paid for by the Capital Equipment Fund. It is City of Minot policy that purchases that reach the capitalization threshold of \$5,000 are to be paid for by the Capital Equipment Fund.

Recommend approval of a budget amendment ordinance allocating Traffic Department Sign, Signal, Marker Maintenance Funds into the Capital Equipment Fund for the purchase of two spare Autoscope Video Cameras.

Documents:

[17. 2019 MEMO - AUTOSCOPE VIDEO CAMERA 2X.DOCX](#)
[17. 2019 BA - AUTOSCOPE VIDEO CAMERA X2 TFC018.DOCX](#)

6.15. TFC019 BATTERY BACK-UP 2019

A budget encumbrance was submitted in early January 2019 for a quote from Traffic Control Corporation for spare traffic signal equipment. While attempting to process the invoice, the Finance Department pointed out that a few of the items of the invoice, such as the spare battery back-up system cannot be paid for by the Traffic Departments Sign, Signal, Marker Maintenance Fund but rather will need to be paid for by the Capital Equipment Fund. It is City of Minot policy that purchases that reach the capitalization threshold of \$5,000 are to be paid for by the Capital Equipment Fund.

Recommend approval of a budget amendment ordinance allocating Traffic Department Sign, Signal, Marker Maintenance Funds into the Capital Equipment Fund for the purchase of a spare Battery Back-Up System.

Documents:

[18. 2019 MEMO - BATTERY BACK-UP CABINET.DOCX](#)
[18. 2019 BA - BATTERY BACK-UP 2019 TFC019.DOCX](#)

6.16. USED SCBA DONATION REQUEST

The Minot Fire Department through the Assistance to Firefighter Grant and a general fund match purchased \$300,000 in self-contained breathing apparatus (SCBA) in 2018. A majority of the used equipment was traded-in for in store credit from the regional distributor to be used for equipment to augment the project. We still have a cache of equipment that was not traded-in due to the age and condition of the equipment.

Recommend Council authorize the Fire Chief to donate used SCBA equipment to a fire department that is in need of this type of equipment.

Documents:

[3-14-2019 SCBA DONATION REQUEST.PDF](#)

7. ACTION ITEMS

7.1. APPROVAL OF FTE AND JOB DESCRIPTION FOR ECONOMIC DEVELOPMENT SPECIALIST AND AUTHORIZATION TO BEGIN HIRING PROCESS

During the 2019 Budget process, City Council approved diverting \$250,000 of sales tax away from the Magic Fund in favor of bolstering economic development within the City of Minot, and for implementation of an economic development task force. This action resulted from the findings of an IEDC report, which pointed to a deficiency of proactive City leadership involvement with developing and sustaining long-term economic growth. In light of the findings, both the IEDC stakeholders group and steering committee recommended the hiring of this position. To move forward as directed by the City Council, the City Manager and Human Resource Director are proposing to hire an on-staff Economic Development Specialist to coordinate City efforts in this area.

It is recommended Council approve the newly developed job description for the Economic Development Specialist and authorize the Human Resource Department to begin the hiring process for the position which will result in an additional FTE to staffing levels.

Documents:

[ECONOMIC DEVELOPMENT SPECIALIST -FINAL.PDF](#)
[ECONOMIC DEVELOPMENT SPECIALIST MEMO.PDF](#)

7.2. 31ST AVE SE RECONSTRUCTION - DECISION DOCUMENT (4331)

The 31st Avenue SE Reconstruction Project from Broadway to 13th Street SE is currently at 30% design. At this point the Documented CatEx – the required environmental document – is nearly completed and is ready to be submitted. The last remaining item is the City Decision Document. The City is required to concur with the project concepts and select alternatives and options in order for the project to proceed. The memo outlines the alternatives and options, as well as factors to consider when making this project decision.

RECOMMENDED ACTION

- 1. Recommend council concur with the 31st Ave SE Reconstruction Project concepts as currently proposed.**
- 2. Recommend council elect to proceed with Alternative B – Concrete 3-Lane Construction.**
- 3. Recommend council elect to proceed with Option 1 – Roundabout at 31st Ave & 13th St SE.**
- 4. Recommend council authorize the Mayor to complete and sign the Decision Document.**

Documents:

[4331 - 31ST AVE SE RECONSTRUCTION DECISION DOCUMENT MEMO.PDF](#)
[PROJECT LOCATION.PDF](#)
[ROUNDBOUT LAYOUT.PDF](#)
[SU-4-989\(121\) - DECISION DOCUMENT.PDF](#)

7.3. BROADWAY CORRIDOR STUDY (4443)

The City has taken a proactive role in transportation planning over the past several years, working with the NDDOT to create a long range transportation plan (LRTP) for the City. One of the projects identified in the plan was the reconstruction of South Broadway from 19th Ave SW to the southern city limits. We are now at the next logical step in this process, the corridor study.

1. **Recommend council authorize up to \$62,500 from HUB City Oil & Gas funds to provide matching funds to the NDDOT grant.**
2. **Recommend council pass the attached budget amendment ordinance to approve the transfer.**

Documents:

[4443 - BROADWAY CORRIDOR STUDY MEMO.PDF](#)
[16. 2019 BA - BROADWAY CORRIDOR STUDY \(4443\).PDF](#)

7.4. NO PARKING ALONG 1ST STREET SW NEAR TRINITY CANCERCARE

Trinity Health has concerns about their employees having to cross 1st Street SW. The employee parking lot is on the east side of 1st Street SW and the Trinity Health CancerCare Center is on the west side of 1st Street SW. Utilizing the North Dakota Traffic Operations Manual (November 2018), the flowchart for Pedestrian Crosswalks lead to the Advance Pedestrian Crossing Sign as the recommended implementation given the current crossing conditions.

Trinity Health also raised the concern about vehicles parking near, and sometimes overlapping, the access to the ambulance bay. Resulting in ambulances having difficult and time-consuming entering and exiting maneuvers. Conversations with Trinity Health have concluded that this recommended ordinance would solve the ambulance bay access issue while also providing a safer crossing for their employees.

It is recommended that council pass an ordinance on first reading to add parking restrictions to the following locations:

1. **West side of 1st Street SW, 215-feet to 235-feet from the center of the 8th Avenue SW intersection.**
2. **West side of 1st Street SW, 275-feet to 295-feet from the center of the 8th Avenue SW intersection.**
3. **East side of 1st Street SW, 255-feet to 275-feet from the center of the 8th Avenue SW intersection.**

Documents:

[PACKET_PARKING ON 1ST ST SW FROM 8TH AVE SW TO 1ST ST SE.PDF](#)

7.5. POTENTIAL SALE OF CITY LAND – PORTION OF VIA VIEW PARK

The City of Minot and the ND Department of Transportation currently own the land at the corner of Broadway and 4th Avenue NW, known as Via View Park (see attached

figure). The Park District maintains this land. The City was approached by an adjacent landowner who is interested in purchasing the City's portion of the property. The City acquired this land through the 1970s flood control project and has no current or future need or use for this land.

RECOMMENDED ACTION:

- 1. Approve the sale of the City owned portion of land known as Via View Park.**
- 2. Approve the terms of the Purchase Agreement.**
- 3. Approve the Request for Bids.**
- 4. Authorize the Mayor to sign the Purchase Agreement and any other documents to complete the bid/auction and transfer of this parcel of land to the highest bidder.**

Documents:

[1_LAND RESALE MEMO.PDF](#)
[2_VIAVIEWOWNERSHIP.PDF](#)
[3_REAL ESTATE PURCHASE AGREEMENT.PDF](#)
[4_REQUEST FOR SEALED BIDS.PDF](#)

7.6. CAPITAL IMPROVEMENT PLAN ADOPTION (4365)

At this time, staff is requesting the council adopt the 2019-2023 CIP. Adopting the CIP will enable staff to begin planning and modeling the 2020 and future budgets.

Recommend the council adopt the 2019-2023 Capital Improvement Plan.

Documents:

[2019-2023 CIP ADOPTION MEMO.PDF](#)

7.7. APPROVE EMINENT DOMAIN RESOLUTION ON CDBG-NDR ACQUISITION

This property is located in what is identified as Buyout Area #4 in the HUD approved CDBG-NDR Action Plan. The City has carried out the due diligence with the owners of these properties as set forth in HUD's involuntary acquisition guidelines and the requirements of the federal Uniform Relocation Act.

It is recommended the City Council grant approval of the resolution authorizing eminent domain proceedings for the property located at 220 6th Street NE.

Documents:

[EMINENTDOMAINTONITEWERIDE.PDF](#)
[RESOLUTION.DOCX](#)

7.8. CHAPTER 5 (ALCOHOLIC BEVERAGES) REVISIONS

In the Fall of 2018, City staff formed an internal working group to review administrative processes relating to alcoholic beverage licenses and to determine if any clarifying or corrective changes should be made to the existing alcoholic beverage ordinances. The working group specifically avoided making recommendations on policy issues relating to alcoholic beverage licenses and limited the scope of review to administrative processes and correcting/clarifying existing language.

It is recommended the The City Council approve the attached ordinance (Chapter 5 revisions), on first reading.

Documents:

[MEMO_ 2019 CHAPTER 5 REVISIONS.PDF](#)
[MINOT ORDINANCES_ CHAPTER 5_03.20.2019.PDF](#)
[ORDINANCE UPDATE LETTER.PDF](#)
[RENEWAL LTR 19.PDF](#)

8. MISCELLANEOUS AND DISCUSSION ITEMS

8.1. ONCE PER WEEK VS. TWICE PER WEEK GARBAGE COLLECTION

Jason Sorenson, Assistant Director of Public Works, provided a report comparing once per week vs. twice per week garbage collection.

Documents:

[ONCE PER WEEK COLLECTION REPORT.PDF](#)

8.2. DISCUSSION ITEM- BOARD OF ADJUSTMENT

North Dakota Law provides that a city may establish a board of adjustment to make interpretations and grant variances related to zoning regulations and to hear and decide appeals from decisions made by zoning code enforcement officials.

The City of Minot at one time had a board of adjustment, but eliminated it and authorized the Planning Commission to consider appeals from variance decisions made by city administrative officials. The Zoning Ordinance Steering Committee raised the question of reinstating a board of adjustment as a part of its discussion on the overall zoning ordinance revision – but wants City Council's input on reinstatement before taking any further action.

9. ADJOURNMENT